

# The Solicitors' Journal

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Closing Hours—Sale After Hours of Newly-baked Bread—Exception in Favour of "Newly-cooked Provisions"—Whether Bread Included—Shops (Hours of Closing) Act, 1928 (18 & 19 Geo. 5, c. 33), Sched., para. 1 (b). [*London County Council v. Davis*], 567.

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## STREET TRADING

Holder of Hawker's Licence—Articles exposed for sale on Movable Barrow—"Stationary Position"—Barrow nevertheless ordinarily moved from Place to Place—Whether Offence Committed—West Ham Corporation Act, 1931 (21 & 22 Geo. 5, c. clx), ss. 25, 34, 35. [*Cranfield v. Lawrence*], 873.

## TALUQDARI ESTATE—

Customary Devolution of Estate upon Single Heir—Non-Taluqdari Property belonging to same Family—Presumption that Governed by same Rule of Succession. [*Rani Huzar Ara Begam and Another v. Deputy Commissioner, Gonda, and Others*], 777.

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Will—Bequest of Fund—Trust for Children who attained Twenty-one Years—Intermediate Income—Whether available for Maintenance—Trustee Act (15 Geo. 5, c. 19), s. 31. [*In re Leng*; *Dodsworth v. Leng*], 545.

## VAGRANCY—

Charge of Deserting Wife and Child—Maintenance Order against Husband in Force—Whether a Complete Defence to Charge. [*Batty v. Lee*], 871.

## VENDOR AND PURCHASER—

Sale of Land by Auction—Separate Lots—Separate Bids—Contract in Writing Signed by Purchaser's Agent—One Undivided Price for All Lots Set Out—Whether Contract Specifically Enforceable—Law of Property Act, 1925 (15 Geo. 5, c. 20), s. 40. [*Smith v. MacGowan*], 605.

## WATER AND WATERWAYS—

Canal Company—Power to Supply Water for "Condensing or Raising Steam to Mills or Works"—Supply to Railway for Engines—Whether Authorised—Rochdale Canal Act, 1899 (62 & 63 Vict., c. clvii), s. 37. [*Attorney-General v. Rochdale Canal Co.*], 971.

## WILL—

Construction—Annuity to Testator's Daughter—"So long as she shall continue to reside in Canada"—Uncertainty—Whether Condition Valid. [*Sifton v. Sifton and Others*], 680.

Construction—Trust—Dealings with Property to be "Within the Limitations Prescribed by Law"—Effect. [*In re Vaux*; *Nicholson v. Vaux*], 949.

Gift on Death of Testator's Last Surviving Child or Last Surviving Widow or Widower of his Children—"Whichever shall last Happen"—Rule Against Perpetuities—Whether Gift Valid. [*In re Curryer's Will Trusts*; *Wylie v. Curryer and Others*], 625.

Legacies to Children—Settlement of Property on Children after Date of Will—Rule Against Double Portions—Whether Applicable. [*In re Vaux*; *Nicholson v. Vaux* (No. 2)], 1048.

Special Power of Appointment in Testator—Bequest of Residue—"I Give, Devise, Bequeath and Appoint"—Whether Power Exercised. [*In re Beresford's Will Trusts*; *Sturges v. Beresford*], 664.

Testator's Exercise of Power of Appointment—Condition on Enjoyment of Property—Effect. [*In re Neave and In re Neave's Settlement Trusts*; *Neave v. Neave*], 546.

## WORKMEN'S COMPENSATION—

Accident to Shipwright Apprentice—Compensation Paid for Partial Incapacity—Change of Employment—Application for Review—Effect—Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), s. 11 (2)—Workmen's Compensation Act, 1926 (16 & 17 Geo. 5, c. 42), s. 1. [*Burton v. Dobson Ship Repairing Co. Ltd.*], 583.

Award of Weekly Sum—Amount Due to Date Accepted—Workman Precluded from Appealing. [*Lisseden v. C. A. V. Bosch Ltd.*], 1031.

Factory Canteen—Employee at Lunch—Injured by Dart—Whether Entitled to Compensation. [*Knight v. Howard Wall Ltd.*], 990.

Hospital Nurse—Injury by Accident—Whether Entitled to Compensation as "Workman"—Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), s. 3 (1). [*Wardell v. Kent County Council*], 663.

Injured Workman—Receiver of Employer Company Appointed—Claim Against Employer's Insurers—Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), s. 7 (1). [*Wooding v. Monmouthshire and South Wales Employers' Mutual Indemnity Society Ltd.*], 644.

Miner—End of Shift—Taking Barred Way to Cage—Fatally Gassed—Whether Compensation Payable—Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), s. 1 (2). [*Evans v. Powell Duffryn Associated Collieries Ltd.*], 565.

Seaman—Shipsent to African Port—Mosquito-Infested Area—Death resulting from Bite—Whether Accident arising out of Employment. [*Craig v. Dover Navigation Co. Ltd.*], 1031.

Unemployment Relief Scheme—Employment of Workman—Period of Nine Weeks—Death by Accident—Computation of Compensation—Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), ss. 8, 10. [*Summers v. Rhondda Urban District Council*], 681.

# STATUTES

ENACTED IN PARLIAMENT, 1938 (JULY TO DECEMBER).

1 & 2 Geo. 6. 2 & 3 Geo. 6.

## CHAPTER 32.

PREVENTION AND TREATMENT OF BLINDNESS (SCOTLAND) ACT, 1938.

An Act to enable local authorities in Scotland to make arrangements for the prevention and treatment of blindness. [23rd June, 1938.]

## CHAPTER 33.

AIR NAVIGATION (FINANCIAL PROVISIONS) ACT, 1938.

An Act to increase the maximum amount which may be paid annually by way of subsidies under section one of the Air Navigation Act, 1936; and to make provision with respect to the remuneration and expenses of, and the fees received by, any licensing authority which may be constituted under section five of that Act. [23rd June, 1938.]

## CHAPTER 34.

LEASEHOLD PROPERTY (REPAIRS) ACT, 1938.

An Act to amend the law as to the enforcement by landlords of obligations to repair and similar obligations arising under leases. [23rd June, 1938.]

## CHAPTER 35.

HOUSING (RURAL WORKERS) AMENDMENT ACT, 1938.

An Act to amend the Housing (Rural Workers) Acts, 1926 and 1931. [23rd June, 1938.]

## CHAPTER 36.

INFANTICIDE ACT, 1938.

An Act to repeal and re-enact with modifications the provisions of the Infanticide Act, 1922. [23rd June, 1938.]

## CHAPTER 37.

STREET PLAYGROUNDS ACT, 1938.

An Act to empower local authorities to close streets to enable them to be used as playgrounds for children. [13th July, 1938.]

## CHAPTER 38.

HOUSING (AGRICULTURAL POPULATION) (SCOTLAND) ACT, 1938.

An Act to authorise the giving of financial assistance towards the expenses incurred by local authorities in providing housing accommodation for the agricultural population: to promote the provision of new housing accommodation to replace accommodation which is occupied by members of the agricultural population and is unfit for human habitation or overcrowded; to amend the provisions of the Housing (Scotland) Acts, 1925 to 1935, relating to charging orders, insanitary dwelling-houses, the recovery of expenses by instalments, the provision of water-closets, and the making of byelaws as to accommodation for seasonal workers; to amend the provisions of section one hundred and twenty-five of the Public Health (Scotland) Act, 1897; to authorise the making of byelaws with respect to premises used for the accommodation of agricultural workers; and for purposes connected with the matters aforesaid. [13th July, 1938.]

## CHAPTER 39.

WELSH CHURCH (AMENDMENT) ACT, 1938.

An Act to amend paragraph (b) of subsection (1) of section nineteen of the Welsh Church Act, 1914. [13th July, 1938.]

## CHAPTER 40.

CHILDREN AND YOUNG PERSONS ACT, 1938.

An Act to extend the powers of courts of summary jurisdiction as to the making of orders for the protection, custody, supervision and care of children and young persons, and for their temporary detention; to make further provision as to children and young persons in respect of whom such orders are made; and to amend the law as to the constitution of juvenile courts in the Metropolitan police court area. [13th July, 1938.]

## CHAPTER 41.

BAKING INDUSTRY (HOURS OF WORK) ACT, 1938.

An Act to restrict night work in the baking industry, and for purposes connected therewith. [13th July, 1938.]

## CHAPTER 42.

HERRING INDUSTRY ACT, 1938.

An Act to amend the Herring Industry Act, 1935, to authorise the giving of further financial assistance to the Herring Industry Board and to herring fishermen, and for purposes connected with the matters aforesaid. [13th July, 1938.]

## CHAPTER 43.

MENTAL DEFICIENCY ACT, 1938.

An Act to extend by one month the time within which the Board of Control are required by section eleven of the Mental Deficiency Act, 1913, to determine whether orders made under that Act are to be continued; and to validate orders purporting to have been continued under that section. [13th July, 1938.]

## CHAPTER 44.

ROAD HAULAGE WAGES ACT, 1938.

An Act to make provision with respect to the remuneration of persons employed in connection with the mechanical transport of goods by road, and with respect to the making of recommendations and reports, and the settlement of disputes, relating to matters affecting such transport. [13th July, 1938.]

## CHAPTER 45.

INHERITANCE (FAMILY PROVISION) ACT, 1938.

An Act to amend the law relating to testamentary dispositions; and for other purposes connected therewith. [13th July, 1938.]

## CHAPTER 46.

FINANCE ACT, 1938.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. [29th July, 1938.]

## CHAPTER 47.

APPROPRIATION ACT, 1938.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-nine, and to appropriate the Supplies granted in this Session of Parliament. [29th July, 1938.]

## CHAPTER 48.

CRIMINAL PROCEDURE (SCOTLAND) ACT, 1938.

An Act to amend the law of Scotland relating to criminal procedure and to the crime of incest, and to the duties of procurators fiscal in relation to fatal accident inquiries. [29th July, 1938.]

## CHAPTER 49.

WAR DEPARTMENT PROPERTY ACT, 1938.

An Act to enable the Secretary of State for War to delegate the function of executing instruments relating to the acquisition, management and disposal of property. [29th July, 1938.]

## CHAPTER 50.

DIVORCE (SCOTLAND) ACT, 1938.

An Act to amend the law of Scotland with regard to divorce and dissolution of marriage. [29th July, 1938.]

## CHAPTER 51.

ESSENTIAL COMMODITIES RESERVES ACT, 1938.

An Act to enable the Board of Trade to obtain information as to commodities which in the opinion of the Board would be essential for the vital needs of the community in the event of war and to make provision for the maintenance of reserves of such commodities; and for purposes connected with the matters aforesaid. [29th July, 1938.]

## CHAPTER 52.

COAL ACT, 1938.

An Act to make provision for the acquisition of the property in all unworked coal and mines of coal and in certain associated minerals, and of certain associated property and rights in land, by a Commission with power of management thereover; for amending the enactments relating to facilities for the working of minerals; for empowering the Commission to promote a reduction in the number of coal-mining undertakings; for continuing Part I of the Coal Mines Act, 1930, and for amending the provisions thereof with respect to committees of investigation; for enabling land to be acquired compulsorily for the purposes of the miners welfare committee; and for purposes connected with the matters aforesaid. [29th July, 1938.]

**CHAPTER 53.****HIRE-PURCHASE ACT, 1938.**

An Act to amend the law with respect to the hire-purchase and sale upon credit of goods and the law of distress in its relation thereto.  
[29th July, 1938.]

**CHAPTER 54.****ARCHITECTS REGISTRATION ACT, 1938.**

An Act to restrict the use of the name Architect to Registered Architects and to extend the time within which practising architects may apply for registration.  
[29th July, 1938.]

**CHAPTER 55.****REGISTRATION OF STILL-BIRTHS (SCOTLAND) ACT, 1938.**

An Act to provide for the registration of still-births in Scotland.  
[29th July, 1938.]

**CHAPTER 56.****FOOD AND DRUGS ACT, 1938.**

An Act to consolidate with amendments certain enactments relating to food, drugs, markets, slaughter-houses and knackers' yards.  
[29th July, 1938.]

**CHAPTER 57.****IMPERIAL TELEGRAPHS ACT, 1938.**

An Act to enable the Treasury and the Postmaster-General to carry out certain arrangements made by His Majesty's Government in the United Kingdom with Cable and Wireless Limited, and in connection with those arrangements to amend the law with respect to the calculation of the Post Office net surplus; and for purposes connected with the matters aforesaid.  
[29th July, 1938.]

**CHAPTER 58.****CHIMNEY SWEEPERS ACTS (REPEAL) ACT, 1938.**

An Act to repeal the Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864, the Chimney Sweepers Act, 1875, and the Chimney Sweepers Act, 1894.  
[29th July, 1938.]

**CHAPTER 59.****LOCAL GOVERNMENT (HOURS OF POLL) ACT, 1938.**

An Act to provide for the extension of polling hours at county council and borough council elections.  
[29th July, 1938.]

**CHAPTER 60.****ANGLO-TURKISH (ARMAMENTS CREDIT) AGREEMENT ACT, 1938.**

An Act to confirm and give effect to an agreement made between His Majesty's Government in the United Kingdom and the Government of the Turkish Republic; and for purposes connected with the matters aforesaid.  
[29th July, 1938.]

**CHAPTER 61.****MILK (EXTENSION AND AMENDMENT) ACT, 1938.**

An Act to extend certain temporary provisions of the Milk Acts, 1934 to 1937; to release milk marketing boards and the Government of Northern Ireland from certain obligations under those Acts; and for purposes connected with the matters aforesaid.  
[29th July, 1938.]

**CHAPTER 62.****BRITISH MUSEUM ACT, 1938.**

An Act to enable the Trustees of the British Museum to accept a certain bequest made to them by the late Lord Rothschild; and for purposes connected therewith.  
[29th July, 1938.]

**CHAPTER 63.****ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 1938.**

An Act to amend the law with respect to assizes and to quarter sessions and with respect to proceedings heretofore usually dealt with on the Crown side of the King's Bench Division of the High Court; to enable effect to be given to international conventions affecting English Courts; to extend the jurisdiction of county courts and to amend the Supreme Court of Judicature (Consolidation) Act 1925 and the County Courts Act 1934 to amend the law relating to appeals from the Mayor's and City of London Court; and for purposes connected with the matters aforesaid.  
[29th July, 1938.]

**CHAPTER 64.****NAVAL DISCIPLINE (AMENDMENT) ACT, 1938.**

An Act to provide for subjecting to naval discipline certain persons who engage with the Admiralty to serve His Majesty in ships and agree to become subject to the Naval Discipline Act; and for purposes connected with the matter aforesaid.  
[29th July, 1938.]

**CHAPTER 65.****RATING AND VALUATION (AIR-RAID WORKS) ACT, 1938.**

An Act to provide for relief from rates in respect of air-raid protection works.  
[29th July, 1938.]

**CHAPTER 66.****RATING AND VALUATION (AIR-RAID WORKS) (SCOTLAND) ACT, 1938.**

An Act to provide for relief from rates in respect of air-raid protection works in Scotland.  
[29th July, 1938.]

**CHAPTER 67.****SUPREME COURT OF JUDICATURE (AMENDMENT) ACT, 1938.**

An Act to amend the provisions of the Supreme Court of Judicature (Consolidation) Act, 1925, relating to the number of judges of the Court of Appeal, the performance by such judges of the functions of judges of the High Court, and the filling of vacancies among judges of the Chancery Division.  
[29th July, 1938.]

**CHAPTER 68.****ISLE OF MAN (CUSTOMS) ACT, 1938.**

An Act to amend the law with respect to customs in the Isle of Man.  
[29th July, 1938.]

**CHAPTER 69.****YOUNG PERSONS (EMPLOYMENT) ACT, 1938.**

An Act to regulate the hours of employment of persons under the age of eighteen years employed in certain occupations; to amend the Shops Act, 1934, with respect to the regulation of the hours of employment of persons under the age of sixteen years and with respect to the determination of the number of working hours of persons under the age of eighteen years; and for purposes connected with the matters aforesaid.  
[29th July, 1938.]

**CHAPTER 70.****HOLIDAYS WITH PAY ACT, 1938.**

An Act to enable wage regulating authorities to make provision for holidays and holiday remuneration for workers whose wages they regulate and to enable the Minister of Labour to assist voluntary schemes for securing holidays with pay for workers in any industry.  
[29th July, 1938.]

**CHAPTER 71.****BACON INDUSTRY ACT, 1938.**

An Act to provide for the better organisation of the bacon industry and the pig producing industry and in that connection to provide for payments out of and into the Exchequer, and the continuance of the regulation of imports; and for purposes connected with the matters aforesaid.  
[29th July, 1938.]

**CHAPTER 72.****FIRE BRIGADES ACT, 1938.**

An Act to make further provision for fire services in Great Britain and for purposes connected therewith.  
[29th July, 1938.]

**CHAPTER 73.****NURSING HOMES REGISTRATION (SCOTLAND) ACT, 1938.**

An Act to provide for the registration and inspection of nursing homes in Scotland and for purposes connected therewith.  
[29th July, 1938.]

**2 & 3 Geo. 6.****CHAPTER 1.****EXPIRING LAWS CONTINUANCE ACT, 1938.**

An Act to continue certain expiring laws.  
[22nd December, 1938.]

**CHAPTER 2.****PUBLIC WORKS LOANS ACT, 1938.**

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans.  
[22nd December, 1938.]

**CHAPTER 3.****HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT, 1938.**

An Act to amend the law in Scotland with respect to the making of contributions out of the Exchequer and by local authorities in respect of housing accommodation provided for the working classes, and with respect to arrangements between local authorities and other persons for the provision of such housing accommodation; and for purposes connected with the matters aforesaid.  
[22nd December, 1938.]



